

APPEAL NO. 031429
FILED JULY 21, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 1, 2003. The hearing officer determined that the _____, compensable injury of respondent (claimant) extends to her left shoulder condition, including impingement, rotator cuff tendinitis, and avascular necrosis; and that claimant had disability from November 4, 2002, to the date of the hearing. Appellant (carrier) appealed these determinations on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the conflicting evidence on the disputed issues and decided what facts were established. The hearing officer could consider the reports of Dr. B and Dr. S, as well as claimant's testimony, and determine that the compensable injury extends to her left shoulder condition, including impingement, rotator cuff tendinitis, and avascular necrosis. We further note that it does not appear that the hearing officer considered evidence that was excluded at the hearing. Regarding disability, the hearing officer's determination is supported by claimant's testimony and the Work Status Reports (TWCC-73) in the record. The surveillance evidence does not conclusively establish that claimant does not have disability. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **NORTH AMERICAN SPECIALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge